

## Wildlife Act Review

### Issues Paper questions – Response 8:

Contributor: Individual

#### Primary interests:

- Protection and conservation of wildlife and habitat

#### Question responses

##### **1.1.1 In what ways does the Act succeed or fail in representing contemporary expectations for, and values relating to, wildlife in Victoria? Please provide examples from your own experience.**

The Act fails in reflecting contemporary attitudes towards wildlife, and the clear need to shift in line with societal norms clearly articulated/evidenced during real community consultation (not just asking & listening, but understanding & adapting). Almost 90% of Victorian adults are reputed to not support duck hunting, yet that voice is not listened to. What is the tipping point for community consultation being listened to, if 90% is not enough? The Act fails in adapting to the clear evidence that protecting exotic invasive species like deer as game animals is resulting in significant damage to wildlife habitats around the state, and economic burden on industries such as agriculture. This has been a documented issue for decades where I live and work (Yarra Valley) and is only increasing. The Act provides no direct protections for wildlife habitat. Children know this is wildlife protection 101. The Act has weak penalties for those who commit an offence under the Act, and even high profile incidents such as the illegal poisoning of Wedge-tailed Eagles met with little to no penalties. I have reported a Swamp Wallaby clearly butchered and still bleeding, yet the DELWP officer I spoke to didn't feel it necessary to pass on to his colleagues until weeks later and I have heard nothing from them.

##### **1.1.2 Are there conflicts between the interests or expectations of different stakeholders or community members regarding wildlife in Victoria? Please provide examples from your own experience.**

Clearly, yes. Protecting invasive species, shooting native wildlife for recreation and wildlife conservation do not mix. It is unconscionable that recreational shooting of invasive species overrides the core responsibility of agencies and government as custodians of our natural environment. The Authority to Control Wildlife System needs to be reformed so that clear principles are followed and so that there is far greater transparency, monitoring and enforcement, which actually protects native wildlife. Currently, it regulates quite a lot of killing.

##### **1.1.3 How can the Act balance the diverse interests of Victorians in protecting, conserving, managing and using wildlife? How might such competing interests be better reconciled in legislation? Are there examples from other sectors or other jurisdictions (both in Australia and internationally) that may be useful?**

Sometimes balance is used in a somewhat inappropriate and/or perverse way. Defining "using wildlife" is necessary in the context of this Act.

##### **1.2.2 If objectives and purposes are likely to be competing, how could the tensions be resolved?**

Identify community/peer leaders, people who are trusted (not necessarily who say 'yes' to what you want to hear). Bring them together and let them work out the issues and solutions - govt should not

facilitate this, but should be there as one voice for context. Let community truly speak. Be strong. Be clear. Give timeframes. Stick to the plan.

**1.3.1 Is the Act a barrier to self-determination for Traditional Owners or Aboriginal Victorians? If so, what specific elements give rise to barriers and how might these barriers be reduced or eliminated?**

Ask them, but only if it is truly intended to take what is said onboard. Many of us will never truly understand why, but we must accept and acknowledge this

**1.3.2 Should the Act recognise the cultural significance of Country and wildlife to Traditional Owners and Aboriginal Victorians? Should the Act explicitly recognise the value of Indigenous Ecological Knowledge for the stewardship of Country and the conservation of wildlife?**

Absolutely

**1.3.3 Should the Act prescribe a role for Traditional Owners and Aboriginal Victorians as key partners in decision making about conserving wildlife? What could that role look like?**

Absolutely. Also ask tomorrow's adults and decision makers, youth, who are inheriting the future we are leaving them

**1.3.4 Should the Act afford additional protection and the ability to return species to country because of their cultural significance?**

The Act should be addressing biodiversity loss as a core objective

**1.3.5 Does the Act provide appropriate mechanisms for Traditional Owners and Aboriginal Victorians to use wildlife? Should the Act support commercial use of wildlife by Traditional Owners and Aboriginal Victorians?**

Ask them

**1.4.1 Should the Act prescribe a general duty of care related to wildlife conservation or biodiversity protection more broadly? Why or why not? How could it work in practice?**

Duty of care is too open to interpretation in this context, I think. A 'duty to avoid harm' to wildlife could help to minimise incidences where collateral damage (a shocking term that has been normalised in our era) to wildlife is perceived as the necessary 'balance'.

**1.5.1 Are there any definitions that are unclear or confusing or that cause problems for achieving the outcomes and objectives of the Act?**

Great question. 'Balance' is an horrendous term. Is this actually achievable, or perceived as a good outcome by anyone more often than not? I'm not convinced.

**1.5.2 Should any additional animal species or taxa (groups of species) be included in the definition of 'wildlife' or 'protected wildlife'? Should any species or taxa be excluded and therefore be exempt from some provisions in the Act?**

Invasive species should be excluded from protection, such as deer. All native wildlife should be defined and protected as native wildlife, including our native ducks and quails, currently open for recreational hunting.

**1.5.3 Should 'game' animals be defined as wildlife in the Act or defined some other way or excluded from the Act entirely?**

Native wildlife should never be defined as a game animal.

**2.1.2 Should wildlife, flora and fauna generally be regulated by a more inclusive statute?**

Yes. Wildlife does not persist without an ecosystem that supports its breeding, refuge and food needs. Lets be holistic.

**2.1.3 Should game management be regulated under its own Act? What are the advantages and disadvantages of such an approach?**

Who would create this Act, and who would regulate it? Sceptical about this Act working in tandem with protecting native wildlife.

**2.3.1 In what ways does the Act succeed or fail in protecting and conserving wildlife habitat? Please provide examples from your own experience.**

As above

**2.3.2 How should the Act provide for the protection and conservation of wildlife habitat?**

By making it a core focus. Protection and conservation of species 101

**2.3.3 Should the Act prescribe duties for landowners about protecting and conserving wildlife and wildlife habitat on their land? What could those duties look like?**

Absolutely. Recognise and reward landowners who are protecting/enhancing wildlife habitat on private property. Why not prescribe duties for govt to do this? Land clearing, either by 'creep' or otherwise is an offence, and enforcement enhanced.

**2.4.1 Do property rights related to wildlife need clarifying? If so, how?**

Absolutely. "It's my land and I'll do what I need to/want to" is often stated. Make it possible for people to earn an income, but marginal country is not the fault of wildlife

**2.4.2 Should private landowners have greater rights to use of wildlife on their property?**

What does that mean?

**2.4.3 Should the Act recognise sentience of some wildlife and, if so, what would this achieve? How would this recognition affect the rights and responsibilities of governments, businesses and individuals?**

Wildlife has a right to the same basic human rights we have ie others do not have the right to cause us harm or pain

**2.4.4 What rights and responsibilities should Traditional Owners and Aboriginal Victorians have related to wildlife?**

Ask them, but only if it is truly intended to take what is said onboard. Australia can learn much from TO principles of living harmoniously with the land.

**3.1.1 Should the Act include statements of principle and criteria to guide regulators, duty holders and the public? Why are such principles important? If you do support including principles, what do you think they should be and why?**

Yes. Do no harm.

**3.2.2 How can community involvement in decision making under the Act be improved?**

Govt agencies should not choose facilitators, or take minutes. Community leaders/peers are abundant, and insightful. Work collaboratively with them.

**3.2.3 Are there currently barriers to private sector actors having meaningful involvement in wildlife management and conservation in Victoria? What are those barriers and what problems do they create for achieving the objectives of the Act? How might any such barriers be removed or minimised?**

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**3.4.1 Should the Act simplify and clarify the provisions relating to the various licences, permits and authorities? Is there scope to reduce regulatory burden without undermining the intended outcomes of the Act?**

Reduce regulatory burden sounds fraught. The Authority to Control Wildlife System needs to be reformed so that clear principles are followed and so that there is far greater transparency, monitoring and enforcement, which actually protects native wildlife. Currently, it regulates quite a lot of killing

**4.1.1 Does the Act require an adequate degree of transparency about, and accountability for, decision making on matters relating to wildlife? If not, how could this be improved? For example, which activities/decisions/criteria should be more transparent? Which parties should be more accountable and for what?**

The Authority to Control Wildlife System needs to be reformed so that clear principles are followed and so that there is far greater transparency, monitoring and enforcement, which actually protects native wildlife. Currently, it regulates quite a lot of killing, often by the agencies themselves that are charged with stewardship of our natural environment eg DELWP.

**4.2.1 Should the Act include provisions that require and enable establishment of a scientific advisory committee or advisory panels to provide expert guidance to key decision makers such as the Minister, the Secretary or the regulator on specific matters relating to wildlife? Why or why not? What other approaches are available?**

Absolutely.

**5.2.1 Are the maximum penalties in the Act adequate to punish and deter offenders? If not, what should they be?**

Absolutely not. We see this again and again eg recent issues with Victorian Koala, Wedge-tailed Eagles, Grey-headed Flying Foxes just to name a few

**5.3.1 Should the Act contain general provisions creating continuing offences and allowing for additional penalties?**

Absolutely.

**5.4.1 Should the Act contain provisions to permit community impact statements relating to the harm caused to wildlife?**

Absolutely.

**5.4.2 Should the Act contain specific provisions to guide sentencing of offenders convicted under the Act?**

Absolutely.

**5.6.1 Does the Act contain the necessary powers and provisions to enable authorised officers to enforce the Act? What powers and provisions should be available to authorised officers? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?**

Is that the problem?

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